

BOISE, MONDAY, MAY 15, 2023 at 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

BRANDON TYLER BAHR,

Petitioner-Appellant,

V.

STATE OF IDAHO,

Respondent.

Docket No. 49305

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County, Peter G. Barton, District Judge.

Eric D. Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

Brandon Bahr appeals from the district court's summary dismissal of his untimely petition for post-conviction relief. In 2016, a jury convicted Bahr of first-degree murder, grand theft, and petit theft. His judgment of conviction and sentence was affirmed by the Court of Appeals, and the remittitur issued in April 2018. Bahr then filed an untimely petition for post-conviction relief in April 2021, roughly two years after the one year statute of limitations had expired. The State responded with a motion seeking summary dismissal. Bahr opposed dismissal, and contended he was entitled to equitable tolling due to his alleged lack of access to the Idaho courts while transferred to, and incarcerated in, prison facilities in Texas. The district court determined that Bahr was not entitled to equitable tolling and granted the State's motion for summary dismissal. Bahr appeals, arguing the district court erred by denying him equitable tolling, and by declining to hold an evidentiary hearing to resolve a material dispute over whether Bahr lacked access to the Idaho courts while incarcerated in Texas.